

# CONSOLIDATED CHECKLIST C3

## Standards Applicable to Generators of Hazardous Waste 40 CFR PART 262 as of June 30, 1995 as published in the July 1, 1995 CFR

Note: Section 262.34, in Subpart C, was revised by the December 6, 1994, final rule published at 59 FR 62896-62953. Its applicable provisions are included in Revision Checklist 154 which is a consolidation of all the rules associated with the organic air emission standards for tanks, surface impoundments, and container requirements (Subpart CC of Parts 264 and 265). EPA strongly recommends States wait to adopt Revision Checklist 154 in its entirety (including all rules published through November 25, 1996) rather than adopting the December 6, 1994, final rule as represented on this consolidated checklist. The December 6, 1994, rule is designated as rule 154.1.

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADE R IN SCOPE
SUBPART A - GENERAL							
PURPOSE, SCOPE AND APPLICABILITY							
establish standards for generators	*	262.10(a)					
261.5(c) and (d) must be used to determine the applicability of Part 262 for those provisions dependent on a quantity determination	†142 A	262.10(b)					
on-site generator requirements	II,48, †142 A	262.10(c)					
importer requirements	II, †142 A	262.10(d)					
farmer's requirements	II,48, †142 A	262.10(e)					
compliance requirements and penalties	II, †142 A	262.10(f)					
requirements for initiators of shipment	II, †142 A	262.10(g)					
HAZARDOUS WASTE DETERMINATION							
determine if a waste is a hazardous waste	*	262.11					

CONSOLIDATED CHECKLIST C3  
40 CFR PART 262 as of June 30, 1995 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADE R IN SCOPE
excluded under 261.4	II	262.11(a)					
listed in Subpart D, Part 261	II	262.11(b)					
identified in subpart C, Part 261	II,78,83	262.11(c)					
testing	II	262.11(c)(1)					
characteristics	II	262.11(c)(2)					
refer to Parts 261, 264, 265, 266, 268 and 273 for possible exclusions or restrictions pertaining to management of specific wastes	34, †142 A	262.11(d)					
EPA IDENTIFICATION NUMBERS							
EPA identification number required	II	262.12(a)					
application for EPA ID number	II	262.12(b)					
hazardous waste must not be offered to transporters or TSDFs without EPA ID numbers	II	262.12(c)					
SUBPART B - THE MANIFEST							
GENERAL REQUIREMENTS							
offsite transportation; manifest preparation	II,5	262.20(a)					
designated facility permitted to handle waste	II	262.20(b)					
designated alternate facility	II	262.20(c)					

CONSOLIDATED CHECKLIST C3  
40 CFR PART 262 as of June 30, 1995 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADE R IN SCOPE
procedures when transporter unable to deliver	II	262.20(d)					
exemption for generators of 100 kg to 1000 kg/month under specified conditions	23	262.20(e)					
		262.20(e)(1)					
		262.20(e)(1)(i)					
		262.20(e)(1)(ii)					
		262.20(e)(2)					

2 ACQUISITION OF MANIFESTS

use consignment State's manifest	5	262.21(a)					
use generator State's manifest	5	262.21(b)					
obtain manifest from any source	5	262.21(c)					

NUMBER OF COPIES

file copies; copy returned to generator	II	262.22					
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USE OF THE MANIFEST

generator's duties	II	262.23(a)					
generator's signature	II	262.23(a)(1)					
initial transporter's signature and date	II	262.23(a)(2)					
retain copy	II	262.23(a)(3)					
copies to transporter	II	262.23(b)					
shipment by water	II	262.23(c)					

CONSOLIDATED CHECKLIST C3  
40 CFR PART 262 as of June 30, 1995 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADE R IN SCOPE
shipment by rail	II	262.23(d)					
		262.23(d)(1)					
		262.23(d)(2)					
		262.23(d)(3)					
shipment to State lacking authorization for particular waste	71	262.23(e)					

SUBPART C - PRE-TRANSPORT REQUIREMENTS

PACKAGING

package according to DOT regulations on packaging under 49 CFR 173, 178 and 179	II	262.30					
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LABELING

label according to DOT regulations on hazardous materials under 49 CFR 172	II	262.31					
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MARKING

mark each package according to DOT regulations on hazardous materials under 49 CFR 172	II	262.32(a)					
mark each container of 110 gal. or less; specific wording in accordance with 49 CFR 172.304	II	262.32(b)					

CONSOLIDATED CHECKLIST C3  
40 CFR PART 262 as of June 30, 1995 (cont'd)

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADE R IN SCOPE
PLACARDING							
placard prior to off-site shipment; DOT regulations for hazardous materials under 49 CFR 172, Subpart F	II	262.33					
ACCUMULATION TIME							
90 days accumulation without a permit; specific provisions which must be met	II,23	262.34(a)					
the waste is placed:	II,28,92	262.34(a)(1)					
in containers and generator complies with Subparts I AA,BB and CC of Part 265; and/or	II,92,154.1	262.34(a)(1)(i)					
in tanks and generator complies with Subparts J, AA, BB and CC of Part 265, except 265.197(c) and 265.200; and/or	II,92,154.1	262.34(a)(1)(ii)					
on drip pads; generator compliance with Subpart W of Part 265; maintenance of the following records at the facility:	82,92,109	262.34(a)(1)(iii)					
description of procedures to ensure wastes are removed from drip pad and associated collection system at least once every 90 days	82.92	262.34(a)(1)(iii)(A)					

CONSOLIDATED CHECKLIST C3  
40 CFR PART 262 as of June 30, 1995 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADE R IN SCOPE
†,3 documentation of each waste removal, including quantity, date and time of removal; and/or	82,92, 109	262.34(a)(1)(iii) (B)					
waste placed in containment buildings; compliance with 265, Subpart DD; professional engineer certification of compliance with 265.1101 design standards placed in operating record no later than 60 days after the date of initial unit operation; requirements after February 18, 1993; records which must be maintained	109	262.34(a)(1)(iv)					
written description of procedures to ensure each waste volume remains in unit for no more than 90 days; written description of waste generation and management practices for the facility showing that they are consistent with respecting the 90 day limit; documentation that procedures are complied with	109	262.34(a)(1)(iv) (A)					
documentation that unit is emptied at least once every 90 days	109	262.34(a)(1)(iv) (B)					

CONSOLIDATED CHECKLIST C3  
40 CFR PART 262 as of June 30, 1995 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADE R IN SCOPE
generator exemption from Subparts G and H of Part 265 requirements, except 265.111 and 265.114	82,92, 109	unnumbered paragraph following 262.34(a)(1)(iv) (B)					
3 date each period of accumulation begins is marked and visible	II,82,92, 109	262.34(a)(2)					
3 labeled or marked "Hazardous Waste"	II,82,92	262.34(a)(3)					
3 compliance with 265, Subparts C and D, 265.16, and 268.7(a) (4)	II,78, 82,92	262.34(a)(4)					
consequences of accumulation for longer than 90 days; criteria for extension beyond this period	II	262.34(b)					
accumulation of up to 55 gal. of hazardous waste or 1 qt. acutely hazardous waste at point of generation; provisions which must be complied with; procedure if quantity limit is exceeded	12	262.34(c)(1)					
		262.34(c)(1)(i)					
		262.34(c)(1)(ii)					
		262.34(c)(2)					
180 day accumulation for 100 kg to 1,000 kg/month generator, provided:	23	262.34(d)					
quantity never exceeds 6000 kg	23	262.34(d)(1)					
compliance with 265 of this chapter, Subpart I, except 265.176 and 265.178	23,28, 154.1	262.34(d)(2)					

CONSOLIDATED CHECKLIST C3  
40 CFR PART 262 as of June 30, 1995 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADE R IN SCOPE
compliance with 265.201	28	262.34(d)(3)					
4 compliance with 262.34(a)(2)&(3) and 265, Subpart C and 268.7(a)(4)	23,28,83	262.34(d)(4)					
4		262.34(d)(5)					
		262.34(d)(5)(i)					
		262.34(d)(5)(ii)					
		262.34(d)(5)(ii)(A)					
		262.34(d)(5)(ii)(B)					
		262.34(d)(5)(ii) (C)					
		262.34(d)(5)(iii)					
		262.34(d)(5)(iv)					
		262.34(d)(5)(iv) (A)					
		262.34(d)(5)(iv) (B)					
		262.34(d)(5)(iv) (C)					
		262.34(d)(5)(iv) (C)(1)-(5)					
compliance with specific emergency precautions and procedures	23,28						
200 miles or more transport, 270 day accumulation time; compliance with 262.34(d)	23	262.34(e)					



CONSOLIDATED CHECKLIST C3  
40 CFR PART 262 as of June 30, 1995 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADE R IN SCOPE
requirements if accumulation in excess of 6000 kg or longer than 180 days (270 days if waste is transported over a distance of 200 miles)	23	262.34(f)					

CONSOLIDATED CHECKLIST C3  
40 CFR PART 262 as of June 30, 1995 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADE R IN SCOPE
SUBPART D - RECORDKEEPING AND REPORTING							
RECORDKEEPING							
manifest copy retention for 3 years	II	262.40(a)					
biennial report and exception report retention for 3 years	II,†1	262.40(b)					
test results and waste analyses retention for 3 years	II	262.40(c)					
automatic extension of retention periods during unresolved enforcement action	II	262.40(d)					
BIENNIAL REPORT							
off-site shipper must submit a biennial report; form used and what must be submitted	II,1,31	262.41(a)					
EPA ID number	II	262.41(a)(1)					
calendar year covered	II	262.41(a)(2)					
off-site TSD facility information	II,31	262.41(a)(3)					
transporter information	II,31	262.41(a)(4)					
hazardous waste information and how it must be reported	II,31	262.41(a)(5)					
describe efforts to reduce volume and toxicity	17 D	262.41(a)(6)					

CONSOLIDATED CHECKLIST C3  
40 CFR PART 262 as of June 30, 1995 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADE R IN SCOPE
a description of changes in volume and toxicity	17 D	262.41(a)(7)					
5 certification	II,17 D	262.41(a)(8)					
on-site handler; separate annual reports for exports	II,1,31	262.41(b)					
EXCEPTION REPORTING							
generators of greater than 1000 kg/month; requirements if manifest copy not received within 35 days	II,42	262.42(a)(1)					
if manifest copy not received within 45 days, must submit exception report; what the report must include	II,42	262.42(a)(2)					
		262.42(a)(2)(i)& (ii)					
generators of 100 to 1000 kg/month; requirements if manifest copy not received within 60 days	42	262.42(b)					
ADDITIONAL REPORTING							
additional information may be required under 2002(a) and 3002(6) of RCRA regarding quantity and disposition	II	262.43					
SPECIAL REQUIREMENTS FOR GENERATORS OF BETWEEN 100 AND 1000 KG/MONTH							

CONSOLIDATED CHECKLIST C3  
40 CFR PART 262 as of June 30, 1995 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADE R IN SCOPE
requirements the generator of 100 to 1000 kg/month is subject to	23,42	262.44					
		262.44(a)					
		262.44(b)					
		262.44(c)					

6,7 SUBPART E - EXPORTS OF HAZARDOUS WASTE

APPLICABILITY

establishes applicability	31	262.50					
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8 DEFINITIONS

"consignee"	31	262.51					
"EPA Acknowledgement of Consent"	31	262.51					
"primary exporter"	31	262.51					
"receiving country"	31	262.51					
"transit country"	31	262.51					

GENERAL REQUIREMENTS

exports prohibited unless:	31	262.52					
notification	31	262.52(a)					
consent of receiving country	31	262.52(b)					
EPA Acknowledgment of Consent	31	262.52(c)					
conformation to terms	31	262.52(d)					

CONSOLIDATED CHECKLIST C3  
40 CFR PART 262 as of June 30, 1995 (cont'd)

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADE R IN SCOPE
<b>NOTIFICATION OF INTENT TO EXPORT</b>							
contents of notification	31	262.53(a)					
		262.53(a)(1)					
		262.53(a)(2)					
		262.53(a)(2)(i)					
		262.53(a)(2)(ii)					
		262.53(a)(2)(iii)					
		262.53(a)(2)(iv)					
		262.53(a)(2)(v)					
		262.53(a)(2)(vi)					
		262.53(a)(2)(vii)					
		262.53(a)(2)(viii)					
office to notify	31,97	262.53(b)					
changes in original notification	31	262.53(c)					
additional information	31	262.53(d)					
EPA notification to receiving and transit countries	31	262.53(e)					
EPA notification to primary exporter	31	262.53(f)					
<b>SPECIAL MANIFEST REQUIREMENTS</b>							
compliance with 262.20 through 262.23 requirements; exceptions:	31	262.54					
consignee	31	262.54(a)					
alternate consignee	31	262.54(b)					
point of departure	31	262.54(c)					
item 16 of manifest	31	262.54(d)					

CONSOLIDATED CHECKLIST C3  
40 CFR PART 262 as of June 30, 1995 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADE R IN SCOPE
obtaining manifest	31	262.54(e)					
acknowledgment of receipt by consignee	31	262.54(f)					
procedures when unable to deliver	31	262.54(g)					
		262.54(g)(1)					
		262.54(g)(2)					
		262.54(g)(3)					
copy of Consent	31	262.54(h)					
manifest copy to Customs official at border	31	262.54(i)					
EXCEPTION REPORTS							
exporter requirements for exception reports:	31	262.55					
no manifest within 45 days	31	262.55(a)					
no confirmation within 90 days	31	262.55(b)					
returned waste	31	262.55(c)					
ANNUAL REPORTS							
reporting requirements; contents of report	31	262.56(a)					
		262.56(a)(1)					
		262.56(a)(2)					
		262.56(a)(3)					
		262.56(a)(4)					
		262.56(a)(5)					
		262.56(a)(5)(i)& (ii)					
		262.56(a)(6)					
office filed with	31,97	262.56(b)					

CONSOLIDATED CHECKLIST C3  
40 CFR PART 262 as of June 30, 1995 (cont'd)

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				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADE R IN SCOPE
RECORDKEEPING							
length to keep records	31	262.57(a)					
		262.57(a)(1)					
		262.57(a)(2)					
		262.57(a)(3)					
		262.57(a)(4)					
retention period extension	31	262.57(b)					
INTERNATIONAL AGREEMENTS							
reserved	31	262.58					
SUBPART F - IMPORTS OF HAZARDOUS WASTE							
IMPORTS OF HAZARDOUS WASTE							
applicability	31	262.60(a)					
manifest requirements; exceptions	31	262.60(b)					
		262.60(b)(1)					
		262.60(b)(2)					
obtaining manifest	31	262.60(c)					
SUBPART G - FARMERS							
FARMERS							
provisions for variance	31,†39	262.70					
APPENDIX TO PART 262							
UNIFORM HAZARDOUS WASTE MANIFEST AND INSTRUCTIONS (EPA FORMS 8700-22 AND 8700-22A AND THEIR INSTRUCTIONS)							
uniform hazardous waste manifest form; instructions	*,5, 17 D,31, 32,58	Appendix					

<sup>1</sup> The rule addressed by Revision Checklists 142 A-E (60 FR 25492; May 11, 1995) introduced a new 262.10(b) and redesignated the former 262.10(b)-(f) as 262.10(c)-(g).

CONSOLIDATED CHECKLIST C3  
40 CFR PART 262 as of June 30, 1995 (cont'd)

- <sup>2</sup> This section appeared in Base Program Checklist II but was completely reorganized and reworded by Revision Checklist 5.
- <sup>3</sup> Base Program Checklist II originally introduced 262.34(a)(2)-(4) into the code. 262.34(a)(4) was revised by Revision Checklist 78. Revision Checklist 82 inserted a new 262.34(a)(2), 262.34(a)(2)(i), 262.34(a)(2)(ii) and redesignated the old 262.34(a)(2)-(4) as 262.34(a)(3)-(5). Revision Checklist 92 returned these subparagraphs to their original numbering prior to the redesignation by Revision Checklist 82, effectively removing the language of 262.34(a)(2) and incorporating these requirements into 262.34(a)(1) at 262.34(a)(1)(iii) and (iii)(A)&(B). An error in the July 1, 1991 and July 1, 1992 CFRs made it appear that there were two paragraphs designated as 262.34(a)(2) (see the editorial note in the CFRs). It was not the Agency's intent to include these requirements both at 262.34(a)(1)(iii)(A)&(B) and at 262.34(a)(2) as is indicated in the July 1, 1991 and July 1, 1992 CFRs. The first 262.34(a)(2) in the CFRs should not be in the code. Revision Checklist 109 removes the first 262.34(a)(2), returning the code to what was intended by Checklist 92.
- <sup>4</sup> Note that 262.34(d)(1)-(4) were originally introduced by Revision Checklist 23. Revision Checklist 28 added a new 262.34(d)(3) and redesignated 262.34(d)(3) and (4) as 262.34(d)(4) and (5).
- <sup>5</sup> This requirement appeared in the original program addressed by Base Program Checklist II as 262.41(a)(6).
- <sup>6</sup> This subpart appeared in the original program addressed by Base Program Checklist II (amended by Revision Checklist 5 and 17 R) as "Special Conditions". However, Revision Checklist 31 (51 FR 28664, August 8, 1986) completely changed this subpart, renaming it "Exports of Hazardous Waste".
- <sup>7</sup> Special Notes: (1) States cannot assume the authority to receive "Notifications of Intent to Export." In addition, States are not authorized to transmit such information to foreign countries through the Department of State or to transmit "Acknowledgements of Consent" [see 50 FR 28678 (August 8, 1986) and the instructions to Appendix J of the Revised SAM for further clarification]. (2) Hazardous waste, identified or listed by the State as part of its authorized program which are broader in scope (not in the Federal universe), will not be subject to the export regulations.
- <sup>8</sup> Note that 262.51 was incorrectly changed to "Farmers" at 52 FR 25760 (July 8, 1987); however, this error was caught when the Revision Checklist (39) for this rule was developed and it was not incorporated into this checklist. This section was subsequently moved back to its correct place and the appropriate 262.51 put back into the CFR by the final rule (53 FR 27164, July 19, 1988) addressed by Revision Checklist 48.